

OCT 25 2012

FCC Mail Room

**United States Department of the Interior****BUREAU OF INDIAN EDUCATION**  
Washington, D.C. 20240

IN REPLY REFER TO:

Date: October 22, 2012

To:

Federal Communications Commission  
Office of the Secretary  
Marlene H. Dortch, Secretary  
Federal Communications Commission ☐  
Office of the Secretary ☐  
9300 East Hampton Drive ☐  
Capitol Heights, MD 20743 ☐  
(8:00 AM - 5:30 PM ET)

From:

John F. Kennedy Day School  
Hwy73, PO Box 130  
White River, AZ 85941-0130

Subject:

Request for Review – USAC Denial - Letter of Appeal - CC Docket No 02-06

Reference:

Appellant /Applicant Name	John F. Kennedy Day School
Billed Entity Number:	98554
Service Providers and SPINs	Sentinel Technologies, Inc. (143008231)
Form 471 Application Number	756218
Funding Year:	2010
FRNs	2043553
FCDL Dated	04/11/2012

Reason for Filing Waiver:

On July 26, 2012, the Schools and Libraries Division submitted a denial for an Implementation Extension Request from John F. Kennedy Day School. This denial was a result of a simple and common error that listed the requested service as monthly charges (recurring) instead of non-recurring on the Form 471. As a result, the explanation given was FRN is for recurring services only and are not subject to an Implementation Extension. Unfortunately, the error was not caught during the length of time from application to commitment of funding. Additionally, the school is

No. of Copies rec'd 0  
List ABCDE

a federal Native American school tied to a lengthy requisition process for their percent of the funds. In this case, even the Funding Commitment was awarded after the funding year. This is a highly impoverished Native American school in need of E-rate services.

We received a denial for our appeal from USAC (see Administrator's Decision on Appeal - Funding Year 2010-2011) dated August 28, 2012. The reason for denial was: "Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal. Why would denial be based upon FCDL date? The appeal is for a minor error on an application between the entries of recurring or non-recurring services. This is highly irregular and should be overruled as a legitimate explanation.

Supplemental Appeal Information:

Since the money has already been committed, please allow the applicant to change the service to non-recurring allowing it to continue in a positive manner so they can realize the opportunity for funding. This request was made for the 2010 funding year and took over two years to receive a funding commitment. Changing the service to non-recurring could easily rectify a simple error such as this.

Attached Documents:

Administrator's Decision on Implementation Extension Request  
Administrator's Decision on Appeal - Funding Year 2010-2011

A handwritten signature in black ink, appearing to read "Evangeline Warwick". The signature is fluid and cursive, with a large, stylized initial 'E'.

Evangeline Warwick,  
Acting Principal



Universal Service Administrative Company

Schools and Libraries Division

### Administrator's Decision on Implementation Extension Request

July 26, 2012

Oliver Manygoats  
John F. Kennedy Day School  
Hwy 73, P.O. Box 130  
White River, AZ 85941 0130

471 Application Number: 756218  
Funding Request Number(s): 2043553  
Your Correspondence Dated: June 20, 2012

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your implementation extension request. This letter explains the basis of USAC's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your request included more than one Form 471 Application, please note that for each application you will receive a separate determination letter.

Decision on Appeal: **Denied**

Explanation: FRN is for recurring services only and are not subject to an Implementation Extension.

In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances.

#### TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
  - Appellant name,

---

Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

- Applicant or Service Provider name.
  - BEN and/or SPIN,
  - Form 471 and FRN,
  - Invoice number as assigned by SLD,
  - "Administrator's Decision on Implementation Extension Request" dated 07/26/2012
- AND**
- The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
  4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by USAC's decision.
  5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, send your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal  
 Schools and Libraries Division – Correspondence Unit  
 30 Lanidex Plaza West  
 PO Box 685  
 Parsippany, NJ 07054-0685

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division  
 Universal Service Administrative Company

cc: Tim Hill, Sentinel Technologies



**Universal Service Administrative Company**  
Schools & Libraries Division

---

**Administrator's Decision on Appeal – Funding Year 2010-2011**

August 28, 2012

Brett Stoneberger  
John F. Kennedy Day School  
P.O. Box 333, 101 Thorpe Circle  
Pine Ridge Agency ELO (Log Cabin)  
Pine Ridge, SD 57770-1202

Re: Applicant Name:	John F. Kennedy Day School
Billed Entity Number:	98554
Form 471 Application Number:	756218
Funding Request Number(s):	2043553
Decision Letter Date:	April 11, 2012
Date Appeal Postmarked:	August 16, 2012
Your Correspondence Dated:	August 15, 2012

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company

Oliver Manygoats  
John F. Kennedy Day School  
Hwy 73, P.O. Box 130  
White River, AZ 85941-0130

Billed Entity Number: 98554  
Form 471 Application Number: 756218  
Form 486 Application Number: